

REMARKS

Claims 1, 6-23, 26, 31, 32, and 75-77 are pending in the application. Claims 14, 15, 21-23, 26, and 31 have been withdrawn from the Examiner's consideration as drawn to a non-elected invention. Claims 1, 6-13, 16-20, 32, and 75-77 stand rejected. Claims 1, 16, 18, 75, and 77 have been amended. Claims 78-81 have been added. Claims 14, 15, 21-23, 26, 31, and 32 have been canceled. Reconsideration and allowance of Claims 1, 6-13, 16-20, and 75-81 is respectfully requested.

The Rejection of Claims 16-18 and 77 Under 35 U.S.C. § 112, Second Paragraph

Claims 16-18 and 77 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 16, 18 and 77 have been amended. In view of the amendment to these claims, withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 1, 6, 7, 9-12, 16, 18, and 75-77 Under 35 U.S.C. § 103

Claims 1, 6, 7, 9-12, 16, 18, and 75-77 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,723,954, issued to Pieniak, in view of U.S. Patent No. 5,225,047, issued to Graef et al. Applicants request that the rejection be withdrawn for the following reasons.

Claims 1 and 75 have been amended to recite that each stratum includes a "binder material". Support for the amendment can be found, for example, at page 13, lines 1-3 of the specification as originally filed.

The Pieniak reference does not teach or suggest a composite having two strata in which each stratum includes a binder material. The teaching of the Graef reference fails to cure the deficiencies of the teaching of the Pieniak reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

obvious the invention as now claimed, withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 8 Under 35 U.S.C. § 103

Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,723,954, issued to Pieniak, in view of U.S. Patent No. 5,225,047, issued to Graef et al., and further in view of U.S. Patent No. 4,223,677, issued to Anderson. Claim 8 depends from Claim 1, which has been amended to recite that each stratum includes a "binder material".

The deficiencies of the teachings of the Pieniak and Graef references noted above are not cured by the teaching of the Anderson reference. Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, withdrawal of this grounds for rejection is respectfully requested.

The Provisional Double Patenting Rejection of
Claims 1, 6-20, and 26 Under 35 U.S.C. § 101

Claims 1, 6-20, and 26 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claims 1-23 and 25-32 of co-pending Application No. 09/620,947. A Notice of Allowance has been received in Application No. 09/620,947, indicating that Claims 1-8, 15, 16, 24, 31, and 34-42 have been allowed. Of these allowed claims, Claims 1, 24, 41, and 42 are independent claims. Each of these independent claims recites that the first stratum includes bicomponent binding fibers. The present application includes independent Claims 1, 32, and 75. Neither Claim 1 nor Claim 75 recites that the first stratum includes bicomponent binding fibers. Claim 32 recites that the first stratum includes bicomponent binding fibers, and has been canceled. With the cancellation of Claim 32, applicants believe that the provisional

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

double patenting rejection has been obviated. Withdrawal of this grounds for rejection is respectfully requested.

The Provisional Obviousness-Type Double

Patenting Rejection of Claims 1, 6-20, 32, and 75-77

Claims 1, 6-20, 32, and 75-77 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the pending claims in co-pending Application Nos. 09/620,953, 09/624,263, 09/621,167, 09/624,262, 09/326,213, 09/624,081, 09/620,947, and 09/620,950. Application No. 09/624,262 has been abandoned (Notice of Abandonment is dated July 14, 2003). Application Nos. 09/620,953, 09/620,950, and 09/621,167 have issued as U.S. Patent Nos. 6,525,240, 6,518,479, and 6,521,812, respectively. A terminal disclaimer obviating the double patenting rejection over these prior patents is enclosed. A terminal disclaimer obviating the provisional double patenting rejection over the remaining above-identified pending patent applications is also enclosed. Applicants enclose herewith a terminal disclaimer obviating this grounds for rejection. In view of the terminal disclaimers, withdrawal of the rejection is respectfully requested.

///

///

///

///

///

///

///

///

///

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In view of the above amendments and foregoing remarks, applicants believe that Claims 1, 6-13, 16-20, and 75-81 are in condition for allowance. Applicants believe that the amendments do not raise new issues that would require further consideration or search, or raise the issue of new matter. Entry of this amendment is respectfully requested. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

GER:jeh

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100